

## **REMARKS**

Claims 1-17 and 21-22 were examined. Claims 18-20 are withdrawn. No claims are amended.

### **REJECTION UNDER 35 U.S.C. §102**

Claims 1-17 and 21-22 are rejected under 35 U.S.C. § 102(a) based upon an article written by Hong Heather Yu and Wayne Wolf, entitled A Hierarchical Multiresolution Video Shot Transition Detection Scheme, 75 (Nos. 1/2), Computer Vision and Image Understanding, 196 (July/Aug. 1999) (hereinafter referred to as "Yu").

The Applicants respectfully request that the USPTO withdraw its rejections under 35 U.S.C. §102(a) based upon Yu, since Yu was not published one year before the filing of the patent application. Specifically, the patent application was filed July 6, 2000, whereas the article was mailed to subscribers on August 23, 1999 and was made available on the Internet on September 9, 1999. Attached as Appendix A is a statement from Cindy MacDonald, a manager at the publisher, supporting the Applicants assertion that the article was published less than one year from the date the patent application was filed.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-4, 6-10, and 13 are rejected under 35 U.S.C. §103(a) based upon U.S. Patent No. 5,911,008, issued to Niikura in view of U.S. Patent No. 5,508,750, issued to Hewlett, in further view of U.S. Patent No. 6,542,619 issued to Jafarkhani.

Niikura does not teach or suggest the use of a frequency decomposer that "generates a low frequency signature for each of said plurality of frames and a high frequency signature for each of said plurality of frames", as in claim 1. Moreover,

Jafarkhani relates to analyzing video frames in the time domain, not the frequency domain. For these reasons, the Applicants respectfully request that the obviousness rejection under 35 U.S.C. §103(a) to claims 1-4, and 6-10, and 13 be withdrawn.

In a telephone conference on July 7, 2004, the Examiner clarified that claim 21 is rejected under U.S.C. §103(a) as being unpatentable over Yu in view of Niikura further in view of Hewlett and further in view of U.S. Patent No. 6,477,269 issued to Brechner. The rejection of claim 21 based upon Yu must be withdrawn since the Applicants have established that Yu does not qualify as prior art.

**CONCLUSION**

It is believed that all pending claims are in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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## APPENDIX A

Email dated June 28, 2004 from Cindy MacDonald, Manager of the Editorial Board